



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Case No. 00-581

In re Application of: )  
Nix et al. )  
Serial No.: 09/872,904 ) Group Art Unit: 2661  
Filed: May 31, 2001 ) Examiner: TBA  
For: PACKET-SWITCHED TELEPHONY )  
CALL SERVER )

Commissioner for Patents  
Washington, D.C. 20231

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**DECLARATION OF MARCUS J. THYMIAN**

I, Marcus J. Thymian, declare as follows:

1. I have personal knowledge of the following facts, and if called to testify, I would and could testify competently to the matters set forth herein.
2. On June 20, 2002, I sent a letter via Federal Express to Brian C. Wiles enclosing a copy of the complete application papers, a combined Declaration / Power of Attorney, and an Assignment for U.S. Application No. 09/872,904. A copy of this letter and its enclosures are attached as Exhibit A. The letter includes a date (July 1, 2002) by which a failure to respond would be treated as a refusal to execute the application papers.
3. My June 20, 2002 letter was delivered to Mr. Wiles on June 21, 2002. A Federal Express Proof of Delivery Record showing the signature of Brian C. Wiles on June 21, 2002 is attached as Exhibit B.

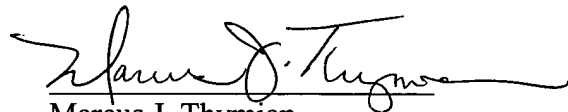
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4. On or about June 21, 2002, I received a telephone call from Mr. Wiles regarding the letter and enclosures I sent him on June 20, 2002. Mr. Wiles indicated that he would not be signing the combined Declaration / Power of Attorney and Assignment unless Go2Call.com, Inc. agreed to grant equal rights in the patent application and any patents issuing therefrom to Mr. Wiles' company, StreamComm Corporation. I stated that if he did not respond back to me by July 1, 2002, his non-response would be treated as a refusal to respond, to which he indicated he understood.
5. I received no other response from Mr. Wiles after the initial June 21, 2002 telephone call.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on the 8<sup>th</sup> day of July 2002 in Chicago, Illinois.

7/8/02



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